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May 5, 2022

VIA ECF

The Honorable Lorna G. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application granted in part. Third-Party Defendant Certain Interested Underwriters at Lloyd's, London shall answer or otherwise respond to the complaint by May 23, 2022. A separate amended case management plan will issue.

Dated: May 6, 2022
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: **Travelers Property & Casualty Company of America v. Clear Blue Specialty Insurance Company / Clear Blue Specialty Insurance Company v. Certain Interested Underwriters at Lloyd's London**

Civil Action No.: 21-cv-09368

FKB File No.: 406.233

Dear Judge Schofield:

This office has just been retained to represent Third-Party Defendant Certain Interested Underwriters at Lloyd's, London ("Underwriters") in the above-referenced matter. We write to respectfully request leave to file a late answer to the Third-Party Complaint filed by Defendant/Third-Party Plaintiff Clear Blue Specialty Insurance Company ("Clear Blue").

A review of the docket for this matter shows Underwriters were served with the Third-Party Complaint on March 15, 2022, which would have made Underwriters' answer due no later than April 5, 2022. According to the Affidavit of Service, Underwriters were served via the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP ("Wilson Elser"). See Docket Doc. No. 21. Wilson Elser is not a proper agent for the Underwriters of the policy at issue. Rather, Underwriters' policy relevant to the instant action provides the agent for service was and is Mendes & Mount, LLP, 750 Seventh Avenue, New York, New York. Accordingly, Underwriters have yet to be properly served with the Third-Party Complaint.

Underwriters respectfully request leave to file a late answer to the Third-Party Complaint in this matter. We have conferred with counsel for Defendant/Third-Party Plaintiff Clear Blue as well as counsel for Plaintiff Travelers Property & Casualty Company of America ("Travelers"), both of which have advised they have no objection to Underwriters' request to file a late answer. This is Underwriters' first request for this relief.

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Underwriters' request to file a late answer will likely affect other scheduled dates. Accordingly, we further request that all currently pending discovery deadlines as set forth in the Court's April 26, 2022 Amended Civil Case Management Plan and Scheduling Order be extended by 45 days from the current due date, or by 45 days from today's date as regards any discovery deadlines which have since passed, as follows:

| Discovery | Current Deadline | Proposed New Deadline |
|---|-------------------------|------------------------------|
| Initial disclosures pursuant to FRCP 26(a)(1) | February 23, 2022 | June 17, 2022 |
| Fact discovery deadline | July 21, 2022 | September 5, 2022 |
| Service of initial request for production | March 9, 2022 | June 17, 2022 |
| Service of interrogatories | March 9, 2022 | June 17, 2022 |
| Service of requests to admit | May 13, 2022 | June 27, 2022 |
| Submission of joint status letter as outlined in Individual Rule IV.A.2 | August 4, 2022 | September 18, 2022 |
| Pre-motion conference | August 17, 2022 | October 1, 2022 |

This is Underwriters' first request for this relief. Counsel for Clear Blue consents to this request to extend the discovery deadlines outlined above. Though we made similar efforts to obtain Travelers' consent for this request, we have not heard back. Given the need to respond to the Third-Party Complaint promptly, we are filing this letter motion and making this request without having heard back from Travelers' counsel regarding our request for an extension of the discovery deadlines.

We thank the Court for its courtesies and attention to this matter. Should you require any further information, please do not hesitate to contact the undersigned.

Respectfully submitted,

FURMAN KORNFELD & BRENNAN, LLP



Corey M. Cohen
 Jessica S. Goddeyne

cc: Reid & Associates – Lisa Szczepanski, Esq. (via ECF)
 Stonberg Moran LLP – Sherri N. Pavloff, Esq. (via ECF)